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CENTRAL FAX CENTER****APR 20 2007****REMARKS**

Reconsideration of the above referenced application in view of the enclosed remarks is requested. Claims 1-3, 6-15, 18-21, 26-27, 29-31, and 33 remain in the application.

Argument

The Office Action rejects claims 26 and 30 under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. The Office Action also rejects claims 1-3, 6-15, 18-21, 26-27, 29-31, and 33 under 35 USC § 103(a) as being unpatentable over U.S. patent application pub. no. 2005/0086688 to Nosakhare Omoigui ("Omoigui") in view of U.S. patent application pub. no. 2002/0104090 to Armando P. Stettner ("Stettner").

35 USC § 112, first paragraph

The Office Action asserts that there is no support for claims involving a first set of television (TV) channels to carry TV programs, and another, distinct TV channel to carry event notifications. Applicant respectfully traverses those rejections.

Claim 26 recites that TV programs are "received over a first set of television channels," and event notifications are "received over a selected specialized television channel not in the first set of television channels." Claim 30 involves similar language. The application includes ample support for such claims.

For instance, with regard to the set of channels carrying TV programs, the application explains as follows:

For example, if a cable TV or satellite TV company operates a broadcast network having multiple channels, the cable TV or satellite company may define the events for all programs broadcast on all channels or any subsets thereof. (Paragraph 24, as published.)

Furthermore, with regard to potential mechanisms for transmitting the event notifications, the application explains as follows:

Depending on the transport mechanism used, the event notifications may be transmitted over the Internet, on a selected specialized channel for event notifications, or embedded within the same channel as a program. (Paragraph 28, as published.)

Thus, the application clearly states that the event notifications may be sent on a channel different from the channels used for programming.

The Office Action quotes a portion of the above sentence from paragraph 28, but omits some of sentence, thereby obscuring the fact that the sentence provides for (at least) two distinct alternatives: one in which the event notifications are "embedded within the same channel as a program," and another in which the event notifications are transmitted on "a selected specialized channel for event notifications."

Since the application clearly states that the event notifications may be sent on a channel different from the channels used for programming, the rejections of claims 26 and 30 under 35 USC § 112, first paragraph, are improper and should be withdrawn.

35 USC § 103(a)

All of the independent claims (i.e., claims 1, 13, 26, and 30) require the event notification to be transmitted over a different television channel than the channel that is carrying the TV program being played.

The Office Action admits that Omigui fails to disclose the limitation that the notification of the event is transmitted over a different channel than the one carrying the TV program being played. However, the Office Action asserts that Stettner teaches transmitting event notifications over a TV channel that is different than the TV channel carrying the TV program being played. Applicant respectfully traverses that assertion.

The Office Action relies on paragraph 32 of Stettner as allegedly teaching that event notifications should be transmitted over a TV channel that is different than the TV channel carrying the TV program being played. However, paragraph 32 says no such thing. Paragraph 32 merely states as follows:

As noted above, the local studio 106 can insert additional programming into the received transmission, for example, to provide cable content that includes locally provided channels. The programming is then distributed to customers over the cable network 134.

In addition to local program insertion, the local studio 106, cable service provider 108, or other party can insert advertising content. Product supplemental information relating to the advertising for participating merchants 122 can also be inserted. Product supplemental information can include information relating to the goods or services being advertised in the commercial. In addition to goods and services, coupons and other information services can be made available to the viewer, which in one embodiment can be obtained via the merchant's 122 web site 124 on the Internet. Triggers, such as Advanced Television Enhancement Forum (ATVEF) triggers, which are related to the web site 124 and/or to its contents, can be continuously updated as the television broadcast is being received. The web site 124 can be provided from a server, which can also send information to the set top box 152 in connection with fulfilling customer responses to advertisements. Such information sent from the server to the set top box 152 or other terminal of the customer can include, but not be limited to, an email, an order form, requested product information, confirmation of orders, or other information in electronic format capable of being sent to the customer. (Emphasis added.)

Thus, Stettner states that ATVEF triggers may be inserted into a television broadcast, for instance to provide a URL for the website of a merchant associate with an advertisement that is being displayed (paragraph 53). However, Stettner does not teach or suggest that the event notifications or ATVEF triggers are transmitted over a TV channel that is different than the TV channel being displayed. Instead, it seems more likely that the triggers would be sent on on the same channel, possibly on the vertical blanking interval (VBI) line for that channel.

Indeed, the teachings for transmitting triggers over a different channel are only found in the present application. The rejections of the independent claims thus seem to be based on hindsight reasoning, in view of the present application, rather than on any specific teachings in the cited art. Of course, hindsight reasoning is not a valid basis for an obviousness rejection.

For at least the foregoing reasons, the Office Action fails to make out a prima facie case of obviousness for any of the independent claims. In addition, the dependent claims implicitly include the features of the independent claims, and the dependent claims involve additional features that are not disclosed or suggested by the cited art.

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For at least the foregoing reasons, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

Reconsideration of the present application is respectfully requested. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (512) 732-3927.

Respectfully submitted,

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